

Gregory Antollino
Antollino PLLC
116 West 23rd Street Suite 500
New York, NY 10011
(212) 334-7397

November 6, 2021

Hon. William Kuntz
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11225

RE: Motion v. Housing Works, 21-CV-5459 (KMK) (TAM)

Dear Judge Kuntz:

I move to withdraw as Plaintiff's counsel under Local Rule 1.4. While I do not doubt that the case has merit, my ability to communicate with the client has devolved. This case has merit, but for reasons that I can explain in camera, I entered a notice of appearance too soon because I was eager to file a lawsuit of significance back in my old stomping grounds. More will follow, but in this case, I will not be able to appear.

I feel a special relationship with this District. My first appearance in Court ever was before then Magistrate Azrack – something I told her long ago, which she might not remember (or not). I was in Chet Mirsky's Federal Defense Clinic at the time. I also interned with the U.S. Attorney's Office here at NYU Law School, where my supervisor (of sorts) was Magistrate Cheryl Pollack.

Zarda v. Altitude Express originated in this District and is still pending. I never had a trial before Judge Weinstein, but I recently got an email that there would be a retrospective about his career, and I immediately signed up. I had the honor of having tried not one but two cases before the late Judge Sifton. (One was a mistrial, but, in retrospect, I am glad I had that double-trial experience. I *could* have brought that case in the Southern District but knew it was better for this Court.)

I just changed to another office in Manhattan (excuse the ersatz stationery), but as a half-Italian guy who grew up on the wrong side of the tracks in New Haven, my heart has been in Brooklyn. I now live in Queens, which I am learning very, very slowly. Maybe I saved the best for last. However, my newish development in Long Island City is not so hot, but that is a subject for another day. I just got robbed here, but I was robbed in Manhattan as long ago as 1993. Maybe Greenpoint or Bedford Stuyvesant is next on my list. On the flip side, I feel as if I am rediscovering Manhattan, where I have lived most of my life. I have a choice about where to live because I have had an EU Passport since 2010. Nevertheless, I have remained in The City of New York, which to me will always be the Capitol of the World.

I investigated the allegations in this case, and my research convinced me that this case was far from dog. I have sued Housing Works before, and I also shop at their stores and bid on (and have) several vintage items in their windows, most of which I still have on my walls. I admit I've brought a couple of dogs into this Court, but very few.¹ I rushed into this case because I thought it was well documented and wanted to

¹ *Pierce v. City of New York* was not among the dogs. In retrospect – and in my opinion – I chose the wrong co-counsel in that case. I am of the firm belief that it needed to be retried and appealed and I have since found – after

file a lawsuit of significance here once again. The client had little time to file and to avoid a “90-Day” Problem. I assisted him in filing then entered a Notice of Appearance. I did not think anything would go wrong, and I felt the truth in Mr. Motión’s story.

Despite this, he and I have had a gross lapse in communications, and he has stopped communicating with me. The reason for the delay in making this motion is that (1) I still had hopes I could do it; (2) I was at my college reunion in Chicago for a few days; (3) I was robbed here shortly after that, which sent me on a tailspin; (4) cases are going forward in Court now as Covid wears off and I feel as if “everyone wants a piece of me.” Moreover, a second cousin of mine died in a car crash. Even though my Catholicism lapsed long ago, I am returning to Connecticut for a part of the traditional Catholic rituals.

Therefore, I ask that the Court grant this motion to withdraw. I expect no lien and do not care to bother following up on the modest expenses I fronted for Mr. Motión; I’ll just write it off. Mr. Motión should also be allowed an additional period not less than sixty days to serve the summons and complaint and obtain new counsel. I declare under penalty of perjury that the factual statements here are accurate. I also know that Mr. Motión knows his case extremely well and will not suffer prejudice by this withdrawal. He knows his suit like the proverbial back of his hand. I ask that I serve him by traceable mail (plus email) of any order the Court might allow in response to this motion.

Again, if necessary, I am available for an in-camera conversation, but I am firm in my belief that I cannot continue representing Mr. Motión.

Sincerely,

/s/ Greg S. Antollino

Gregory Antollino

cc: All Appearing Counsel by ECF

ProPublica made the records available to everyone – that the final remaining defendant in that case, Officer Belardo, had a CCRB complaint found against her for abuse of authority that the City did turned over to Mr. Pierce.